

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion into the Operations, Practices, and Conduct of New Day Broadband One, LLC to Determine Whether New Day Broadband One, LLC, Violated the Laws, Rules, and Regulations of this State in Operating in California without the Required Franchise.

Investigation 14-08-015
(Filed August 14, 2014)

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline in this proceeding to February 14, 2016.

Background

Public Utilities Code Section 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of the date that they are initiated unless the Commission finds that deadline cannot be met and issues an order extending it. This matter has been categorized as adjudicatory and the 12-month deadline for resolving this proceeding is August 14, 2015.

On August 14, 2014, the Commission instituted a formal investigation into the operations, practices, and conduct of New Day Broadband One, LLC (New Day Broadband) to find whether violations were made to any laws, rules, and regulations of this State by operating without obtaining the required franchise from the California Public Utilities Commission.

~~In the year since this investigation was opened, the assigned Administrative Law Judge has been actively involved in other cases and expects to turn to this investigation as soon as possible~~The assigned ALJ unexpectedly required medical leave before the PHC could be set. He returned to work on July 20, 2015 after nearly three months of medical leave, and a PHC will be set in the near future. Therefore, an extension of the statutory deadline until February 14, 2016, is necessary.

Waiver of Comments

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of decisions extending the deadline for resolving adjudicatory proceedings. We waive the period for public review and comment pursuant to this rule.

Assignment of Proceeding

Michel Peter Florio is the assigned Commissioner and Dan H. Burcham is the assigned ~~Administrative Law Judge~~ALJ in this proceeding.

Findings of Fact

1. The statutory deadline for resolving this adjudicatory proceeding is August 14, 2015.
2. The assigned ~~Administrative Law Judge has been involved with other cases and expects to turn to this investigation as soon as possible~~ALJ has been off work on medical leave for nearly three months. He returned to work on July 20, 2015, and is now able to continue working on this proceeding.
3. An extension of the statutory deadline to February 14, 2016, is necessary.

Conclusions of Law

1. Pursuant to the authority granted the Commission under Public Utilities Code Section 1701.2(d), the statutory deadline for this proceeding should be extended to February 14, 2016.

2. Pursuant to Rule 14.6(c)(4), the comment period for the proposed decision should be waived.

IT IS ORDERED that the statutory deadline for this proceeding is extended to February 14, 2016.

This order is effective today.

Dated _____, at San Francisco, California.

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